

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54196 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- AMNAUR District- Saran

Sahil Kumar Son Of Kamendra Singh Resident Of Village- Vishunpura
Pratap, Sonaha, Bhatha, P.S.- Amnour, District- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Yogesh Kumar, Advocate
For the Opposite Party/s :	Mr.Abhay Kumar Roy, APP
	Mr.Ravi Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 27-01-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Amnour P.S. Case No. 27 of 2023 registered for the offences punishable under Sections 147, 149, 323, 324, 379, 385, 307, 504, 506 of the Indian Penal Code.

3. As per FIR, petitioner alongwith other co-accused persons assaulted the informant and others causing head and bodily injury. The alleged occurrence took place while cleaning of local canal (*Payeen*). The cleaning work was allotted by gram panchayat.



4. Learned counsel appearing on behalf of the petitioner submitted that the occurrence was free-fight in nature and, therefore, it can be safely arrived at the conclusion that petitioner was not under intention to cause death of the informant. It is submitted that both parties have received injuries during the alleged occurrence and in support of same, learned counsel appearing for the petitioner drawn attention of this Court towards **Annexure 'P/5'**, which is the injury report of Kamendra Singh, who is father of this petitioner. It is submitted that for the same set of occurrence, petitioner had also registered FIR as Amnour P.S. Case No. 29/2023.

5. Arguing further, it is submitted that during course of occurrence the informant received injury on his nose. The injury, as alleged, was single without having any intervening circumstance, which further negate the intention to cause death.

6. In this connection, it is further submitted that though upon medical examination, the nasal bone of injured was found fractured and, therefore, the opinion was given as



“grievous injury”, but merely on that score, it cannot be said that a *prima facie* case under section 307 of the I.P.C. appears convincing against the petitioner as there are several factors required to be taken into consideration to constitute a *prima facie* case under section 307 of the I.P.C. as the nature of weapon, the body part where the injury alleged said to be inflicted, the nature of occurrence, pre and post conduct of the accused persons etc. In support of his submission, learned counsel relied upon the legal report of Hon’ble Supreme Court as available through **Jage Ram and Others Vs. State of Haryana reported in (2015) 11 SCC 366**. Petitioner claimed clean antecedent.

7. Learned A.P.P. for the State duly assisted by learned counsel appearing for the informant, while opposing the prayer for anticipatory bail of the petitioner, submitted that allegation against the petitioner is to cause grievous injury on nose of the informant by using iron rod.

8. In view of the aforesaid factual submissions and by taking note of the fact as *prima facie* occurrence is of free-fight in nature where both parties received injury, coupled



with the fact that injury, as alleged, was found single in nature without having any intervening circumstance, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Saran/concerned court in connection with Amnour P.S. Case No. 27 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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